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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 vs.
12 GABRIEL MESA,
13 Defendant.

2:13-CR-00418-APG-VCF

Stipulation to Continue the Government's Response to Defendant's Motion for In Camera Hearing to Compel Disclosure and Interview of an Informant Percipient Witness (2nd Request) (Docket #14)

14 IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. BOGDEN,
United States Attorney, and Cristina D. Silva, Assistant United States Attorney, counsel for the
United States of America, and Monique Kirtley, Assistant Federal Public Defender, counsel for
defendant GABRIEL MESA, that response to defendant's *Motion for In Camera Hearing to Compel
Disclosure and Interview of an Informant Percipient Witness* (Docket #14) in the above-captioned
matter, which is currently set for March 25, 2014, for fourteen (14) days.

15 This Stipulation is entered into for the following reasons:

16 1. Counsel for both parties are engaged in plea negotiations. Defendant's counsel needs
additional time to travel to the Southern Nevada Detention Center to discuss the case with her client.
Additional time is needed to determine if the parties can reach a resolution prior to the Government
filing its response to defendant's motion. If the parties can reach a resolution, it will alleviate the

1 need for the Government to file its response, and for the Court to address the pending motion.

2 2. The defendant is incarcerated and does not object to the continuance.

3 3. Additionally, denial of this request for continuance could result in a miscarriage of
4 justice.

5 4. The additional time requested herein is not sought for purposes of delay, but to allow
6 for a possible resolution to the case.

7 DATED this 20th day of March, 2014.

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9 DANIEL G. BOGDEN
10 United States Attorney

11 _____
12 //s//
13 CRISTINA D. SILVA
14 Assistant United States Attorney

15 _____
16 //s//
17 MONIQUE KIRTLEY, ESQ.
18 Assistant Federal Public Defender
19 Counsel for Defendant - MESA

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
GABRIEL MESA,
Defendant.

2:13-CR-00418-APG-VCF

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. That counsel for both parties are currently engaged in plea negotiations. Defendant's counsel needs additional time to travel to the Southern Nevada Detention Center to discuss the case with her client. Further that additional time is needed to determine if the parties can reach a resolution prior to the Government filing its response to defendant's motion. If the parties can reach a resolution, it will alleviate the need for the Government to file its response, and for the Court to address the pending motion.

2. That the defendant is incarcerated and does not object to the continuance.

3. Additionally, that denial of this request for continuance could result in a miscarriage of justice.

4. That the additional time requested herein is not sought for purposes of delay, but to allow for a possible resolution to the case.

24 ||| 5. That this is the second request for a continuance of response deadline to the motion.

CONCLUSIONS OF LAW

Based on the fact that the parties have agreed to the continuance; based on the fact that the defendant does not object to the continuance; and based on the fact that denial of this request for continuance could result in a miscarriage of justice, the Court hereby concludes that:

The ends of justice are served by granting said continuance, since the failure to grant said continuance would be likely to result in a miscarriage of justice and would the parties to potential resolve the case, taking into account the exercise of due diligence.

ORDER

IT IS THEREFORE ORDERED that the deadline for the Government to respond to defendant's *Motion for In Camera Hearing to Compel Disclosure and Interview of an Informant Percipient Witness* (Docket #14) is hereby reset to _____. Defendant shall file a reply by _____.

**THE HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE**